FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7626 OF 2004

| Office Notes, Office Memoranda appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's Order |
|---|---|

Mr.Uday Warunjikar, for Petitioners.

Mr.S.M.Sabrad, for Respondents 1 & 2.

**CORAM: D.K.DESHMUKH,J.**

**DATED: 13th July, 2005.**

**P.C.:-**

The two Courts below concurrently, on the basis of the entries in the revenue record, have recorded findings that prima facie the plaintiffs are in possession of the suit premises. The grievance of the petitioners is that they had filed affidavits of persons who

owned the adjoining lands, stating that it is the defendants who are in possession. The revenue records are maintained in regular course of business and therefore statutory presumption arises in relation to the entries unless contrary is proved, they are to be accepted as correct. Therefore, when the Court is recording findings on prima facie view of the matter, the Court will have to go by the statutory presumption arising in relation to the revenue record. The affidavits filed of the adjoining owners cannot be said to displace that presumption. Fault cannot be found with the orders passed by the Courts below merely because the affidavits have not been considered, because even if those affidavits had been considered it would not be possible for the Courts below to discard the entries in the revenue record which have presumptive value. It is further to

be seen that temporary injunction in favour of Respondents has been passed in the year 2003 and it is operating since then.

Taking overall view of the matter therefore, I do not find any substance in the petition. The petition is rejected.

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